

Conservation and Reclamation: HB 647, HB 842, HB 987, HB 1035, HB 1229, HB 1440, HB 1492, HB 1598, SB 288, SB 652.

Constitutional Amendments: HJR 62.

Criminal Jurisprudence: SB 97.

Engrossed and Enrolled Bills: Correctly engrossed—HB 166, HB 322, HB 514, HB 516, HB 519, HB 754, HCR 112, HCR 113. Correctly enrolled—HB 63, HB 146, HB 494, HB 496, HB 555, HB 722.

Higher Education: HB 130, HB 275, HB 474, HB 787.

Insurance: HB 707, HB 1136, HB 1289.

Judiciary: HB 263, HB 273, HB 296, HB 389, HB 470, HB 595, HB 714, HB 1159, SB 396.

Liquor Regulation: SB 346.

Livestock: SCR 79.

State Affairs: HB 925, HB 964, HB 985, HB 1203, HB 1255, HCR 61, HCR 67, SB 909.

#### FIFTY-FOURTH DAY (Continued)—FRIDAY, APRIL 16, 1971

The House met at 9:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Doran	Jones, G.	Schulle
Agnich	Doyle	Jungmichel	Shannon
Allen, John	Dramberger	Kaster	Sherman
Angly	Earthman	Kilpatrick	Short
Atwood	Farenthold	Kost	Silber
Bass, T.	Finnell	Kubiak	Simmons
Beckham	Finney	Lemmon	Slider
Bigham	Floyd	Lewis	Smith
Blanton	Foreman	Lombardino	Solomon
Blythe	Gammage	Longoria	Spurlock
Boyle	Garcia	Lovell	Stewart
Braecklein	Golman	McAlister	Stroud
Braun	Grant	McKissack	Swanson
Burgess	Hale	Mengden	Tarbox
Bynum	Harris	Moncrief	Tupper
Calhoun	Hawn	Moore, A.	Uher
Carrillo	Haynes	Nabers	Vale
Cates	Head	Newton	Von Dohlen
Cavness	Heatly	Nugent, J.	Ward
Christian	Hendricks	Orr	Wieting
Clark	Hilliard	Parker, C.	Williams
Coats	Howard	Parker, W.	Williamson
Cole	Hubenak	Patterson	Wolff
Craddick	Hull	Poerner	Wyatt
Daniel	Ingram	Poff	
Davis, D.	Johnson	Rosson	
Davis, H.	Jones, D.	Salem	

## Absent

Adams	Finck	Moore, T.	Rodriguez
Allen, Joe	Hanna, Joe	Moreno	Sanchez
Allred	Hannah, John	Nelms	Santiesteban
Atwell	Harding	Neugent, D.	Slack
Bass, B.	Holmes, Z.	Niland	Traeger
Bowers	Jones, E.	Ogg	Truan
Caldwell	Lee	Pickens	
Cobb	Ligarde	Price	
Denton	Moore, G.	Reed	

## Absent-Excused

Baker	Graves	Murray	Salter
Clayton	Hawkins	Nichols	Semos
Cruz	Holmes, T.	Presnal	Wayne

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Hawkins on motion of Mr. Garcia.

Mr. Presnal on motion of Mr. Howard.

Mr. Cruz on motion of Mr. Howard.

Mr. Semos, temporarily for today, on motion of Mr. Braecklein.

Mr. Graves on motion of Mr. Zan Holmes.

Mr. Baker on motion of Mr. Hubenak.

Mr. Murray on motion of Mr. Garcia.

Mr. Clayton on motion of Mr. Slider.

The following Members were granted leaves of absence for today on account of illness:

Mr. Salter on motion of Mr. Garcia.

Mr. Nichols on motion of Mr. Braun.

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Representatives Pickens, Truan, Bill Bass, and Zan Holmes entered the House and were announced present.

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BILLS AND A RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills and a resolution:

HB 32, Establishing maximum speeds for motorcycles and motor-driven cycles.

HB 226, Authorizing certain cities to expend money for advertising.

HB 302, Relating to fees to be paid for compiling delinquent tax records.

HB 368, Providing district court appeal from any order of the Board of Trustees of the Firemen's Relief and Retirement Fund in certain cities.

HB 378, Prohibiting the taking or shooting of certain wild animals with any .22 caliber jetgun or rocketgun.

HB 420, Including water area of Lake Ray Hubbard within Rockwall County and Collin County under the provisions of the Uniform Wildlife Regulatory Act.

HB 722, Relating to Robertson County Commissioners Courts' approving Parks and Wildlife Commission rules and regulations.

HB 926, Establishing Juvenile Board in Nueces County.

HCR 70, Authorizing Parks and Wildlife Department to investigate feasibility of location of its offices at McKinney Falls State Park.

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Representatives Traeger and Joe Allen entered the House and were announced present.

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(Mr. Hale in the Chair)

SB 909--ADDED TO CONSENT CALENDAR

Mr. Cavness asked unanimous consent to have placed on the Local and Consent Calendar SB 909.

There was no objection offered and it was so ordered.

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Representatives Atwell, Joe Hanna, Allred, Bowers, Nelms, Denton, Lee, and Cobb entered the House and were announced present.

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MESSAGE FROM THE SENATE

Austin, Texas, April 16, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 912, By Moore: Amending Chapter V, Article 9a, of the Texas Banking Code of 1943, same being Chapter 97, Acts of the 48th Legislature, Regular Session, 1943, as amended by Section 5 of Chapter 81, Acts of the 58th Legislature, Regular Session, 1963, authorizing stockholders and employees of state banks, national banks or private banks to take acknowledgments of instruments in which such banks are interested; validating all such acknowledgments heretofore taken; and declaring an emergency.

SB 828, By Snelson: Authorizing the State Commission for the Blind to grant such easements and rights-of-way on behalf of the State of Texas as might be necessary for the proper construction and development of the Criss Cole Rehabilitation Center for the Blind in Austin, Travis County, Texas; and declaring an emergency.

SB 518, By Schwartz: Requiring the assumption of pension liabilities by any governmental entity which annexes, merges or absorbs a subdivision; and declaring an emergency.

SB 508, By Mauzy: Providing for the administration of family law by replacing all functioning domestic relations courts and the juvenile courts of Dallas and Harris Counties with district courts of general jurisdiction, to be called family district courts; and declaring an emergency.

SB 756, By Herring: Eliminating the requirement for a bidder's affidavit and requiring a bidder's certification on each bid certifying that the bidder has not violated the antitrust laws of Texas or the Federal antitrust laws; and declaring an emergency.

SB 753, By Herring: Relating to the liability of volunteer firemen and volunteer fire departments for damage done to private property; and declaring an emergency.

SB 697, By Christie: Providing an increase in the remuneration to be paid to the directors of the El Paso County Water Authority; and declaring an emergency.

SB 698, By Christie: Providing for the appointment of a bailiff by the judge of the 34th Judicial District; and declaring an emergency.

SB 695, By Christie: Authorizing the Board of Regents of The University of Texas System to contract with any political subdivision of the State of Texas located in El Paso County for the construction and operation of a special events center, etc.; and declaring an emergency.

SB 550, By Bernal: Relating to and authorizing a minimum and maximum salary for the official shorthand reporters of the 37th, 45th, 57th, 73rd, 131st, 144th, 150th, 166th, 175th, 186th and 187th Judicial Districts, etc.; and declaring an emergency.

SB 441, By Blanchard: Relating to restrictions on the establishment of certain junior colleges; and declaring an emergency.

SB 422, By Brooks: Relating to the tax lien for the admissions tax; and declaring an emergency.

SB 163, By Connally: To make permanent a temporary size limit on redfish; and declaring an emergency.

SB 870, By Blanchard: Relating to the definition of the terms "person" and "company" in the Securities Act; and declaring an emergency.

SB 328, By Bridges: To permit excess funds not needed for the maintenance of County Law Libraries in counties having a population of three hundred fifty thousand or less to be used for providing legal services for indigents; and declaring an emergency.

SB 335, By Creighton: Relating to conforming certain definitions and administrative provisions of the Certificate of Title Act to the Business and Commerce Code; and declaring an emergency.

SB 208, By Hall: Relating to the creation of mutual aid law enforcement task forces by agreement between counties or municipalities; and declaring an emergency.

SB 665, By Hightower: Relating to appointment, term and salary of Director of the Legislative Reference Library; and declaring an emergency.

SB 351, By Hightower: Relating to the issuance of short-term commercial vehicle permits to haul loads of larger tonnage; and declaring an emergency.

SB 350, By Hightower: Relating to the hauling of harvesting machinery under a temporary motor vehicle registration permit; and declaring an emergency.

SB 829, By Snelson: Relating to vending facilities operated on state property by blind persons; and declaring an emergency.

SB 634, By Herring: Providing for a cost-of-living adjustment of firemen's pension allowances and firemen's beneficiaries' allowances in certain cities; providing for the granting of vested rights to firemen in their pension funds in certain cities; amending Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

SB 889, By Brooks: Relating to the duties of the Advisory Council for Technical-Vocational Education; amending Section 7, Chapter 89, Acts of the 61st Legislature, Regular Session, 1969 (Article 2675N, Vernon's Texas Civil Statutes); and declaring an emergency.

SB 588, By Schwartz: Authorizing the Parks and Wildlife Commission to promulgate rules governing health, safety and protection of persons and property within state parks, historic sites, scientific areas and forts; requiring a public hearing after due notice; requiring the posting of rules in said state parks, historic sites, scientific areas and forts; providing penalties; calling for enforcement by peace officers and duly constituted departmental employees; requiring revenue collected to be deposited in State Park Fund; providing no rule, etc.

SB 679, By Schwartz: Relating to authorizing the Parks and Wildlife Department to permit the capture of alligators and marine mammals for use and display in public or commercial aquariums; amending Article 913, Penal Code of Texas, 1925, as amended; and declaring an emergency.

SB 389, By Mauzy: Providing for the commitment of narcotic addicts to community mental health centers; amending Subsection (a), Section 1, Chapter 170, Acts of the 60th Legislature, Regular Session, 1967 (Article 5561e, Vernon's Texas Civil Statutes); and declaring an emergency.

SB 507, By Mauzy: Relating to the concurrent jurisdiction of statutory courts exercising civil jurisdiction corresponding to the constitutional civil jurisdiction of the county courts; amending Chapter 5, Title 41, Revised Civil Statutes of Texas, 1925, by adding Article 1970a; and declaring an emergency.

SB 279, By Mauzy: Relating to time spent as justice of the peace or judge on certain courts . . . for purposes of retirement.

SB 355, By Mauzy: Relating to the duties and responsibilities of county and probate judges.

SB 390, By Mauzy: Relating to the mandatory commitment of persons addicted to the use of narcotics; amending Chapter 543, Acts of the 61st Legislature, Regular Session, 1969 (Article 5561c-1, Vernon's Texas Civil Statutes); and declaring an emergency.

SB 830, By Snelson: Relating to services extended to handicapped persons by the State Commission for the Blind.

SB 712, By Schwartz: Relating to the authority of the Commissioner of Health to promulgate rules and regulations for the harvesting, transportation, storing, etc., of crustaceans and to establish specifications for plant facilities; and declaring an emergency.

SB 475, By Hightower: Prohibiting the governing bodies of political subdivisions of the State of Texas from designating financial institutions located outside the state as depositories for funds under their jurisdiction; and declaring an emergency.

SB 781, By Hall: Relating to the authority of counties and of their political subdivisions to enter into contracts with one another for performance of governmental functions; and declaring an emergency.

SB 492, By Wilson: Authorizing the Board of Directors of the Texas A&M University System to acquire by purchase in the name of the State of Texas for the use and benefit of the Texas Forest Service land suitable for the expansion of the Indian Mound Nursery in Rusk County for the operation of a forest tree nursery, etc.; and declaring an emergency.

SB 521, By McKool: Relating to providing for the fair and equitable treatment of persons displaced as a result of any program undertaken by any agency of this state or in which any agency of this state participates; and declaring an emergency.

SB 302, By Hightower, Kennard: Authorizing the Texas Parks and Wildlife Commission to locate and designate outstanding natural features or formations with markers or monuments; and declaring an emergency.

SB 349, By Hightower: Permitting residents of Canada to apply for temporary permits for the operation of commercial motor vehicles; and declaring an emergency.

SB 463, By Word: Granting the power of eminent domain to the Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission; . . . and declaring an emergency.

SB 807, By Schwartz: Relating to the county historical survey committee; and declaring an emergency.

SB 680, By Schwartz: Relating to the fees of office and to the date of election of navigation and canal commissioners; and declaring an emergency.

SCR 23, By Creighton: Granting permission to the Eastland National Bank to sue the State of Texas and the Texas Highway Department.

SCR 34, By Jordan: Concerning the need for additional housing.

SB 487, By Wilson: Relating to the salaries of assistants to the county school superintendent in certain counties; and declaring an emergency.

SCR 49, By Harrington: Granting Pearl Staggs, et vir, permission to sue the State.

SB 514, By Herring: Relating to liquefied petroleum gas.

SB 733, By Sherman: To add a new section defining what constitutes the time of the inception of the lien; and declaring an emergency.

SB 315, By Hightower: Relating to salaries of investigators, assistants, and stenographers of the District Attorney of the 30th Judicial District; and declaring an emergency.

SB 144, By Hightower: To require social security numbers on applications and bonds for notaries public; and declaring an emergency.

SB 143, By Hightower: To include a space for social security numbers on application forms for marriage licenses; and declaring an emergency.

SCR 45, By Jordan: Granting Southern Pacific Transportation Company permission to sue the state.

SCR 47, By Harrington: Granting Ellis D. Wheeler permission to sue the state.

SB 345, By Mauzy: Amending the Workmen's Compensation Law for employees of cities, towns and villages; and declaring an emergency.

SB 249, By Hightower: Relating to the recording and rerecording of livestock brands and marks; and declaring an emergency.

SB 580, By Kothmann: Relating to extraterritorial jurisdiction and annexation powers of cities; and declaring an emergency.

SCR 48, By Harrington: Granting Rufus H. Inge permission to sue the state.

SB 811, By Schwartz: Relating to the creation and operation of health districts by the commissioners court; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

Representatives Reed, Niland, and Sanchez entered the House and were announced present.

#### CONSIDERATION OF BILLS ON THE LOCAL AND CONSENT CALENDAR

In accordance with a previous motion, the House proceeded to the consideration of bills on the Local and Consent Calendar.

#### HB 479 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 479, Establishing Pine Bough Public Utility District in Harris County.

The bill was read second time.

Mr. Williams offered the following amendment to the bill:

Amend HB 479 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Pine Bough Public Utility District hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the district is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the district form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the district, or the right of the district to issue any type of bonds or refunding bonds for the purpose for which the district is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the district or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the district will be



benefited by the works and project which are to be accomplished by the district pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said district is created to serve a public use and benefit.

Section 4. The district shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas and being 674.44 acres of land, more or less, out of the John R. Rhea Survey, A-62, more particularly described by metes and bounds as follows:

Beginning at the southwest corner of the said John R. Rhea Survey, said corner lying in the north boundary line of the Gilbert Brooks Survey, A-6, and also marking the southeast corner of the James H. Isbell Survey, A-474.

Thence, N 00° 02' 41" E, 864.90 feet along the boundary line dividing said John R. Rhea and James H. Isbell Surveys, to a point in the center line of Luce Bayou.

Thence, in a generally northeasterly direction along the meanders of the center line of Luce Bayou as follows:

N 77° 00' 48" E, 370.73 feet

N 13° 13' 21" E, 156.63 feet

N 13° 06' 00" W, 246.07 feet

N 48° 46' 39" W, 85.70 feet

N 35° 45' 30" W, 147.53 feet

N 07° 34' 20" E, 383.03 feet

S 80° 42' 07" E, 261.47 feet

N 63° 29' 33" E, 383.02 feet

N 37° 00' 39" E, 149.38 feet

N 40° 07' 19" E, 95.03 feet

N 33° 38' 59" E, 97.37 feet

N 08° 56' 23" E, 34.86 feet to a point in the south-

westerly right-of-way line of F.M. 2100, (150 feet wide).

Thence, S 52° 39' 13" E, 173.95 feet along the southwesterly right-of-way line of said F. M. Road 2100, to the beginning of a curve to the left.

Thence, in a southeasterly direction along the southwesterly right-of-way line of said F.M. Road 2100, being the arc of a curve to the left having a radius of 1984.86 feet and subtending a central angle of 2° 27' 40" 85.26 feet to the end of said curve.

Thence, S 55° 06' 53" E, 2956.21 feet along the southwesterly right-of-way line of said F.M. Road 2100, to a point.

Thence, N 34° 00' 00" E, 1900.85 feet to a point.

Thence, N 00° 02' 41" E, 2937.41 feet to a point.

Thence, N 89° 30' 46" W, 407.05 feet to a point.

Thence, N 00° 02' 41" E, 3232.39 feet to a point for the northwest corner of the tract herein described.

Thence, S 89° 30' 46" E, 3000.00 feet for the northeast corner of the tract herein described.

Thence, S 00° 02' 41" W, 7432.33 feet to a point on the westerly right-of-way line of a Pan American thirty foot wide pipeline easement (described in instrument recorded in Volume 1190, Page 600 of the Harris County Deed Records).

Thence, S 19° 52' 07" W, 837.43 feet along the westerly right-of-way line of said Pan American pipeline easement, to a point in the north boundary line of the said Gilbert Brooks Survey, said point also being the southeast corner of the tract herein described.

Thence, N 89° 54' 54" W, 7055.44 feet along the north boundary line of said Gilbert Brooks Survey, to the point of beginning.

Containing 674.44 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

S. A. Marmion  
Wendell Harris  
Thomas W. Heywood  
George R. Eeds  
Hensel Murchison

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4 Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or

circumstance shall be held to be invalid or unconstitutional, the remainder hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

The amendment was adopted without objection.

HB 479, as amended, was passed to engrossment.

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Representative Price entered the House and was announced present.

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#### HB 480 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 480, Creating Glen Hollow Public Utility District in Harris County.

The bill was read second time.

Mr. Williams offered the following amendment to the bill:

Amend HB 480 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Glen Hollow Public Utility District hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the district is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the district form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the district, or the right of the district to issue any type of bonds or refunding bonds for the purpose for which the district is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the district or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the district will be benefited by the works and project which are to be accomplished by the district pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The district shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, being a tract of land containing 569.86 acres more or less, out of the John R. Rhea Survey, A-62, and more particularly described by metes and bounds as follows:

Commencing for reference at a concrete monument marking the northwest corner of the said John R. Rhea Survey and the northeast corner of the James Moore Survey A-557.

Thence, S 89° 30' 46" E 7339.66 feet along the northerly boundary line of said John R. Rhea Survey to a 1-1/4 inch galvanized iron pipe for the point of beginning of the tract herein described.

Thence, S 89° 30' 46" E 3352.29 feet along the northerly boundary line of said John R. Rhea Survey to a point on the dividing line between Harris and Liberty Counties, Texas, said point being the northeast corner of the tract herein described.

Thence, S 17° 01' 35" E 4758.54 feet along said dividing line between Harris and Liberty Counties to a point for the southeast corner of the tract herein described.

Thence, N 89° 30' 46" W 2772.89 feet to a point on the westerly right-of-way line of a 30-foot-wide Pan American Pipeline easement (as described in instrument recorded in Volume 1190, Page 600 of the Harris County Deed Records).

Thence, S 16° 56' 56" W 6796.65 feet along the westerly right-of-way line of said Pan American Pipeline easement to a point for the southwest corner of the tract herein described.

Thence, N 00° 02' 41" E 11,056.35 feet to the point of beginning and northwest corner of the tract herein described.

Containing 569.86 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following

named persons shall be the directors of the District and shall constitute the board of directors of the District:

Harold R. DeMoss, Jr.  
Rollin B. Waymire  
Harold Scoggins  
Manning Williams  
Hollace Bowden

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended, and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

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Representative Slack entered the House and was announced present.

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HB 480—(Consideration continued)

The amendment by Mr. Williams was adopted without objection.

HB 480, as amended, was passed to engrossment.

HB 481 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 481, Creating Pine Forest Public Utility District in Harris County.

The bill was read second time.

Mr. Williams offered the following amendment to the bill:

Amend HB 481 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Pine Forest Public Utility District hereinafter called the "district," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the district is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the district form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the district, or the right of the district to issue any type of bonds or refunding bonds for the purpose for which the district is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any manner affect the legality or operation of the district or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the district will be benefited by the works and project which are to be accomplished by the district pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The district shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 489.07 acres of land, more or less, out of the John R. Rhea Survey, A-62, more particularly described by metes and bounds as follows:

Commencing for reference at a concrete monument marking the northwest corner of said John R. Rhea Survey and the northeast corner of the James Moore Survey, A-557.

Thence, S 00° 02' 41" W 2374.02 feet along the dividing line between said John R. Rhea and James Moore Surveys, to a point.

Thence, S 89° 30' 46" E 800.00 feet to the point of beginning and most westerly northwest corner of the tract herein described.

Thence, S 89° 30' 46" E 4837.31 feet to a point for corner, said point also being the southeast corner of 100-acre tract of land conveyed to Don R.

Thompson by deed recorded in Volume 6004, Page 490 of the Harris County Deed Records.

Thence, N 34° 12' 00" E 2853.89 feet along the southeasterly boundary line of said Don R. Thompson 100-acre tract, to a point for corner on the north boundary line of the aforementioned John R. Rhea Survey.

Thence, S 89° 30' 46" E 100.00 feet along the north boundary line of said John R. Rhea Survey to a point for the northeast corner of the tract herein described.

Thence, S 00° 02' 41" W, 3624.02 feet to a point for the most easterly southeast corner of the tract herein described.

Thence, N 89° 30' 46" W, 3000.00 feet to a point.

Thence, S 00° 02' 41" W 3232.39 feet to a point for the most westerly southeast corner of the tract herein described.

Thence, N 89° 30' 46" W 1528.98 feet to a point.

Thence, N 60° 00' 00" W 400.00 feet to a point.

Thence, N 89° 00' 00" W 700.00 feet to a point.

Thence, N 81° 02' 00" W 733.13 to a point.

Thence, N 61° 00' 00" W 274.17 feet to a point for the southwest corner of the tract herein described.

Thence, N 00° 02' 41" E 4040.07 feet to the point of beginning of the tract herein described.

Containing 489.07 acres of land, more or less.

Section 5. The district is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the district and shall constitute the board of directors of the district:

Richard F. Schmidt  
Cora V. Jackson  
Charles L. Smith  
W. R. Johnson  
Pete Fisher

Said persons shall qualify to serve as directors prior to the first meeting

of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the district's works, projects and conservation measures are immediately and urgently needed in the district hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

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Representative Finck entered the House and was announced present.

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HB 481—(Consideration continued)

The amendment by Mr. Williams was adopted without objection.

HB 481, as amended, was passed to engrossment.

HB 785 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 785, Relating to increasing maintenance tax in certain school districts.

The bill was read second time.

Mr. Carrillo offered the following amendment to the bill:

Amend HB 785, Second Printing, as follows:



(1) Strike the figure 1,500 in line 12 and substitute the figure 2,000.

(2) Insert the phrase "wholly or partly" after the word "located" in line 13.

(3) Strike all of Subsection (a), Section 1, following the word "valuation" on line 17 and substitute the following: "of all taxable property situated within the district and subject to district taxation for the maintenance and use of the schools in the district."

The amendment was adopted without objection.

HB 785, as amended, was passed to engrossment.

#### HB 948 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 948, Authorizing creation of recreational area in Goliad County.

The bill was read second time.

Mr. Tom Holmes offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 948 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act authorizing the Parks and Wildlife Commission to quitclaim the state's interest in certain lands situated in Goliad State Park to the County of Goliad and the City of Goliad; describing the lands to be conveyed; specifying the consideration for the conveyance and the use of the lands conveyed; containing a reverter clause; and declaring an emergency.

##### Committee Amendment No. 2

Amend HB 948 by adding the following sentence at the end of the last paragraph in Section 1 of the bill:

"The use of the above-described lands for park and recreation purposes may not be restricted to the citizens or residents of Goliad County, and all citizens and residents of this state or any foreign state shall have equal access to the park with equal rights of ingress and egress."

##### Committee Amendment No. 3

Amend HB 948 by adding a new Section 2 between the present Sections 1 and 2 of the bill to read as follows and renumbering all succeeding sections:

"Sec. 2. If the County of Goliad and City of Goliad cease to use the above-described lands for park and recreation purposes as provided in Section 1 of this Act, all right, title, and interest granted and conveyed under the

authority of this Act shall ipso facto and without further action by any of the parties hereto revert to the State of Texas, unless such reversion shall be waived by the Legislature of the State of Texas during the biennium following the happening of the conditions of reversion."

The committee amendments were severally adopted without objection.

HB 948, as amended, was passed to engrossment.

HB 1156 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1156, Removing crappie and white perch catch limitations in Leon County.

The bill was read second time and was passed to engrossment.

HB 287 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 287, Relating to term of office of supervisors of the Bayview Municipal Utility District of Galveston County.

The bill was read second time and was passed to engrossment.

HB 387 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 387, Setting salary of Judge of County Court at Law of Hidalgo County.

The bill was read second time and was passed to engrossment.

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Representative Rodriguez entered the House and was announced present.

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HB 1125 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1125, Relating to use of nets in Chambers County, except in Trinity Bay; providing penalties.

The bill was read second time.

Mr. Price offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1125 by striking all below the enacting clause and substituting the following:

Section 1. Chapter 18, Acts of the 56th Legislature, 2nd Called Session, 1959, is amended to read as follows:

"Section 1. In Chambers County, except the waters of Trinity Bay, Turtle Bay Bayou and Lake Anahuac, hoop nets, trammel nets, and gill nets of nonmetallic construction with a mesh size not less than three inches square mesh may be used for taking only rough fish and catfish. No person may take bass or crappie with such a net.

"Section 2. A person who violates this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$200."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 1125, as amended, was passed to engrossment.

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Representative Edmund Jones entered the House and was announced present.

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#### HB 564 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 564, Creating Irving Flood Control District of Dallas County, Texas.

The bill was read second time and was passed to engrossment.

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Representative Adams entered the House and was announced present.

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#### HB 797 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 797, Increasing examination and licensing fees for certified public accountants.

The bill was read second time and was passed to engrossment.

## HB 635 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 635, Adding counties of 22,200-22,650 population to those allowed to use jury wheels in selecting jurors.

The bill was read second time and was passed to engrossment.

## HB 1162 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1162, Abolishing offices of county superintendent, ex officio county superintendent and county school board in counties of 21,000-22,000 population.

The bill was read second time.

Mr. Schulle offered the following amendment to the bill:

Amend HB 1162 by striking the period after the word "abolished" in Section 1, and adding the words "effective September 1, 1972."

The amendment was adopted without objection.

HB 1162, as amended, was passed to engrossment.

(Mr. Cavness in the Chair)

## HB 1323 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1323, Relating to transfer of Kimble County Adjunct of Texas A&M University to Texas Tech University.

The bill was read second time and was passed to engrossment.

## HB 625 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 625, Abolishing office of county superintendent in counties of 27,700-28,800 population and transferring duties to county judge.

The bill was read second time and was passed to engrossment.

## HB 446 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 446, Abolishing county superintendent of schools in counties of 53,800-55,000 population, and transferring duties to county judge.

The bill was read second time and was passed to engrossment.

#### HB 1175 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1175, Abolishing office of county superintendent in counties of 17,400-17,640 population.

The bill was read second time and was passed to engrossment.

#### HB 449 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 449, Setting salary of assistant to county superintendent in counties of 10,000-10,300 population.

The bill was read second time and was passed to engrossment.

Mr. Nabers moved to reconsider the vote by which HB 449 was passed to engrossment.

The motion prevailed without objection.

Mr. Rosson offered the following amendment to the bill:

Amend HB 449, Second Printing, by adding on line 13, between the number "10,300" and the word "according", the phrase "and in counties having a population of not less than 15,600 nor more than 15,800,".

The amendment was adopted without objection.

HB 449, as amended, was passed to engrossment.

#### HB 900 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 900, Permitting police officers to remove the inspection sticker following an accident so as to force the owner into compliance with the reinspection law.

The bill was read second time.

Mr. Coats offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 900, First Printing, by striking the word and number between "Within" and "days" on line 27 and substituting the word and number "ten (10)".

The committee amendment was adopted without objection.

HB 900, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Adams, Doyle, Nabers, and Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 900.

HB 505 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 505, Allowing presiding judge of 51st and 119th Judicial Districts to pay the shorthand reporters up to \$12,500 annually.

The bill was read second time.

Mr. Nabers offered the following amendment to the bill:

Section 1. From and after the passage of this Act, the official shorthand reporters for the 51st Judicial District of Texas, composed of the counties of Tom Green, Irion, Schleicher, Coke, and Sterling, and the 119th Judicial District of Texas, composed of the counties of Tom Green and Runnels, may each receive a salary of not more than \$12,500 per annum, which shall be determined, fixed, and set by the presiding judge of each judicial district, except that the salary paid to any person affected by this Act shall not be set at a figure lower than that actually paid to that person on the effective date of this Act; and from and after the time that said judge shall have entered an order in the minutes of the court, in each county of said district, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporter, and shall have filed a copy of said order with each commissioners court of the district, the salary so determined, fixed, and set shall be paid monthly, by and in the proportion for each county of the district as provided by law, out of the general fund, or out of the jury fund, or out of any fund available for the purpose.

The amendment was adopted without objection.

Mr. Nabers offered the following amendment to the bill:

Amend HB 505 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to and fixing the maximum salaries of the official shorthand reporters for the 51st and 119th Judicial Districts of Texas; and declaring an emergency.

The amendment was adopted without objection.

HB 505, as amended, was passed to engrossment.

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Representative Semos entered the House and was announced present.

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HB 352 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 352, Raising salary of the Judge of the Brazoria County Court of Domestic Relations.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend the second sentence of the quoted Section 2 in Section 1 of HB 352 to read as follows:

"He may be paid by the Commissioners Court of Brazoria County no more than the salary paid to the District Judge by the State of Texas, same to be paid out of the General Fund of the County in twelve (12) equal monthly installments."

The committee amendment was adopted without objection.

HB 352, as amended, was passed to engrossment.

HB 292 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 292, Raising supplemental salary of the 149th Judicial District Judge.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 292 by striking the word "shall" in Subsection (b) of the quoted Section 3.027 in Section 2 of the bill and substituting the word "may."

The committee amendment was adopted without objection.

HB 292, as amended, was passed to engrossment.

HB 615 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 615, Exempting totally disabled veterans from certain motor vehicle registration fees.

The bill was read second time.

Mr. Edmund Jones offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 615 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1, et seq., Vernon's Texas Civil Statutes), is amended by adding a Section 5e to read as follows:

"Section 5e. (a) A veteran of the armed forces of the United States who, as a result of military service, has suffered at least a 70% service-connected disability, and who receives compensation from the federal government because of such disability, is entitled to register, for his own personal use, one passenger car or light commercial vehicle having a manufacturer's rated carrying capacity of one (1) ton or less, without payment of the prescribed annual registration fee.

"(b) The Highway Department shall provide for the issuance of specially designed license plates for persons who are qualified under this Act. The letters "DV" shall appear as either a prefix or a suffix to the numerals on the plates, and the words "DISABLED VET" shall also appear on the plates.

"(c) Application for the specially designed license plates provided for in this Section shall be made on forms prescribed and furnished by the Department and must be submitted to the Department by October 1st preceding the registration year for which requested. Each application shall be accompanied by a fee of One Dollar (\$1.00) and such evidence as the Department may require as proof of the applicant's eligibility to receive the registration fee exemption.

"(d) A vehicle on which these specially designed plates are displayed is exempt from the payment of parking fees, including those collected through parking meters, charged by any governmental authority other than a branch of the federal government.

"(e) If during the registration year the owner disposes of the vehicle upon which the license plates issued under this Act are affixed, such plates are automatically cancelled and it shall be the responsibility of such owner to remove the license plates and return them to the Texas Highway Department for cancellation. Thereafter, the owner may qualify for another set of license plates as provided for in this Section.

"(f) If the special license plates provided herein become lost, stolen, or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of One Dollar (\$1.00).

"(g) The fees provided for in this Section shall be deposited in the State Treasury to the credit of the State Highway Fund.

"(h) The Department may promulgate such reasonable rules and regulations as it may deem necessary for the orderly administration of this Act."

Section 2. The importance of this legislation and the crowded condition



of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Committee Amendment No. 2

Amend HB 615 by striking all above the enacting clause and substituting in lieu thereof the following:

"An Act providing for the issuance of distinctive license plates for certain disabled veterans; exempting such veterans from payment of the prescribed registration fee on one vehicle; exempting vehicles displaying the special plates from payment of parking fees; making other provisions relating to the issuance of the specially designed license plates; authorizing the Department to promulgate reasonable rules and regulations; amending Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1, et seq., Vernon's Texas Civil Statutes); and declaring an emergency."

The committee amendments were severally adopted without objection.

HB 615, as amended, was passed to engrossment.

HB 16 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 16, Relating to rights in cemetery plot of individual owner and conveyance thereof, subject to rules of cemetery association; and representative designated by co-owners.

The bill was read second time.

Mr. Braecklein offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 16 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 13, Chapter 340, Acts of the 49th Legislature, 1945 (Art. 912a-13, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 13. Rights in plot of an individual owner; conveyance of exclusive right of sepulture therein; conveyances subject to the rules and regulations of the cemetery association; filing and recording of conveyances in the office of the cemetery association; designation of representative by co-owners in a plot.

"If the exclusive right of sepulture in a plot has been conveyed to an individual owner who is interred therein, then, unless such owner has made specific disposition of such plot either by will having express reference thereto, or by written declaration duly filed and recorded in the

office of the cemetery association, then one grave, niche or crypt shall be reserved for the surviving spouse, if any, of such owner, and in those spaces remaining, if any, the children of such deceased owner, in the order of need, may be interred without the consent of any person claiming any interest therein. Any surviving spouse of such owner, and any child of such deceased owner, may waive his or her right to interment in said plot in favor of any other relative of such deceased owner, or the owner's spouse, and upon such waiver, the person in whose favor the waiver is made may be interred therein. The exclusive right of sepulture in any unused grave, niche or crypt in the plot may be conveyed only by a conveyance executed by the surviving spouse, if any, of such deceased owner and the children of the deceased owner, or if there is no surviving child of such deceased owner, by the surviving spouse, if any, and the heirs-at-law of such deceased owner.

"If the exclusive right of sepulture in a plot has been conveyed to an individual owner who is not interred therein, then, unless such owner has made specific disposition of such plot either by will having express reference thereto, or by written declaration duly filed and recorded in the office of the cemetery association, the exclusive right of sepulture in the whole of said plot, except the one grave, niche or crypt which is reserved to the surviving spouse, if any, shall upon the death of such owner, vest in the heirs-at-law of such deceased owner. Such exclusive right of sepulture to any unused grave, niche or crypt in the plot may be conveyed, subject to the right of the surviving spouse, if any, to a right of interment in one space, by such heirs-at-law of the deceased owner.

"All conveyances of the exclusive right of sepulture shall be subject to the rules and regulations of the cemetery association, and shall be duly filed and recorded in the office of the cemetery association.

"When there are two (2) or more owners of a plot, then such owners may designate one or more persons to represent said plot and file written notice of such designation with the cemetery association; in the absence of such notice, the cemetery association is duly authorized to inter or permit an interment therein upon the request or direction of any registered co-owner of such plot.

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend HB 16 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to rights in cemetery plot of an individual owner; conveyance of exclusive right of sepulture therein; conveyances subject to the rules and regulations of the cemetery association; filing and recording of conveyances in the office of the cemetery association; designation of representative by co-owners in a plot; amending Section 13, Chapter 340, Acts of the 49th Legislature, 1945 (Art. 912a-13, Vernon's Texas Civil Statutes); and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 16, as amended, was passed to engrossment.

#### HB 592 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 592, Setting the salary of county attorneys in counties of 1,500,000 or more population, and prohibiting said county attorneys from private law practice.

The bill was read second time and was passed to engrossment.

#### VOTE RECORDED

Mr. Lee requested to be recorded as voting Nay on the passage to engrossment of HB 592.

#### HB 1123 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1123, Prohibiting shooting of guns around certain bodies of water in Liberty and Chambers Counties.

The bill was read second time.

Mr. Price offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend HB 1123 by striking all below the enacting clause and substituting the following:

Section 1. The waters of the Trinity River and Wallisville Reservoir in Liberty and Chambers Counties and Lake Anahuac and Oyster Bayou in Chambers County are hereby declared to be a part of the public fresh waters of this state suited and adapted to the preservation, protection, and propagation of game and fish, and this Act is to be construed as in aid of and for the purpose of aiding in such preservation, protection, and propagation of game and fish in this state.

Sec. 2. It is unlawful for any person to shoot, fire, or discharge any pistol or rifle, in, on, along, and across the waters of the Trinity River and Wallisville Reservoir in Liberty and Chambers Counties and Lake Anahuac in Chambers County.

Sec. 3. It is unlawful for any person to shoot, fire, or discharge any pistol, shotgun, crossbow, bow and arrow, or rifle, in, on, along, and across the waters of Oyster Bayou in Chambers County from State Highway 65 south to the mouth of Oyster Bayou in East Bay.

Sec. 4. Sections 2 and 3 of this Act do not apply to peace officers, game wardens, or representatives of the Parks and Wildlife Department in the

lawful discharge of their duties or to a person hunting migratory waterfowl with a shotgun during any prescribed open season in and on the Trinity River and Wallisville Reservoir.

Sec. 5. A person who violates Section 2 or Section 3 of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$25 nor more than \$200.

Sec. 6. It is the duty of game wardens and peace officers to enforce the provisions of this Act, and no warrant shall be required for the arrest of any person who violates the provisions of this Act in the presence of a warden or peace officer.

Sec. 7. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 1123, as amended, was passed to engrossment.

#### HB 1610 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1610, Validating certain school districts and actions of their directors.

The bill was read second time and was passed to engrossment.

#### HB 1295 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1295, Validating certain actions heretofore taken by the Texas Tech and University of Texas System Boards of Regents.

The bill was read second time and was passed to engrossment.

#### HB 1296 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1296, Relating to operation, situs and maintenance of The University of Texas of the Permian Basin.

The bill was read second time.

Mr. Pickens offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1296, First Printing, by striking all of Section 1 and substituting in lieu thereof the following:

"Section 1. Section 4, Chapter 459, Acts of the 61st Legislature, Regular Session, 1969, (Article 2606c-4, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Section 4. The University of Texas of the Permian Basin shall be located on those certain tracts of land in Section 18, Block 41, T-2-S, T & P Railway Company Survey, Ector County, Texas, said land having been conveyed by a deed dated December 12, 1969, from the County of Ector, State of Texas, to the Board of Regents of The University of Texas System, as trustees, containing approximately 280 acres of land, more or less, recorded in Volume 575, page 601, of the Deed Records of Ector County, Texas; and by a deed dated October 29, 1969, from the County of Ector, State of Texas, to the Board of Regents of The University of Texas System, as trustees, containing approximately 308 acres of land, more or less, recorded in Volume 575, page 595, of the Deed Records of Ector County, Texas; to which deeds and the record thereof reference is made for a more specific description of the site. The Board of Regents of The University of Texas System is hereby authorized and directed to establish the institution and locate the institution on the above-described tract of land in Ector County, Texas, and said site may consist of the surface estate thereof only. All actions heretofore taken by the Board of Regents of The University of Texas System in the selection of the site for the establishment of The University of Texas of the Permian Basin, acceptance of the deeds of conveyance, and planning for the establishment and operation of the school, together with all actions taken by the Board of Regents of The University of Texas System in connection therewith, are hereby ratified and confirmed and in all things approved; as well as all actions heretofore taken by any political subdivision in acquiring property and the subsequent conveyance of such property by deeds of record in Ector County, Texas to the Board of Regents of The University of Texas, as trustees, for the use and benefit of The University of Texas."

The committee amendment was adopted without objection.

HB 1296, as amended, was passed to engrossment.

#### HB 572 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 572, Relating to salary of Judge of County Court at Law No. 2 of Jefferson County.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 572, First Printing, by:

(1) adding quotation marks at the end of the first paragraph of the quoted Section 8 on line 27; and

(2) striking lines 28-36.

The committee amendment was adopted without objection.

HB 572, as amended, was passed to engrossment.

#### HB 837 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 837, Relating to salaries of Criminal District Attorney, his First Assistant and other employees of Brazoria County.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 837, First Printing, by striking, on lines 27, 39, 41, 44, and 46 of page 1, the word "less" each place it appears and substituting in each place the word "more."

The committee amendment was adopted without objection.

HB 837, as amended, was passed to engrossment.

#### HB 752 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 752, Raising evaporation and collection cost allowance for wholesale petroleum distributors.

The bill was read second time.

Mr. Griffith Moore offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 752 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section (7) of Article 9.01, Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(7) 'Dealer' shall mean any person who as the operator of a service station or otherwise, delivers motor fuel into the fuel supply tanks of motor vehicles owned or operated by others."

Section 2. Article 9.01 of Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding thereto two new Sections designated as Sections (14) and (15) to read as follows:

"(14) 'Wholesaler' or 'Jobber' shall mean and include any person who buys motor fuel tax paid from a duly licensed distributor for resale or redistribution at wholesale to dealers.

"(15) 'Bulk User' shall mean and include any person who maintains storage facilities of twenty-five hundred (2500) gallons capacity or more for storing motor fuel purchased tax paid primarily for delivery into fuel supply tanks of motor vehicles owned or operated by him."

Section 3. Section (2) of Article 9.02, Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(2) The tax on two percent (2%) of the taxable gallons of motor fuel sold or distributed in this state shall be allocated to the persons selling, distributing or handling motor fuel in this state which allocation or allowance shall be deducted by the distributors in the payment to the State of Texas of the taxes herein levied and shall be apportioned among the persons selling, distributing and handling motor fuel in this state as follows:

"I. One percent (1%) to the distributor making the first taxable sale or distribution of such motor fuel and paying the tax levied hereunder to the State of Texas for the expense of collecting, accounting for, reporting and remitting the taxes so collected and for keeping records.

"II. One half of one percent ( $\frac{1}{2}$  of 1%) to wholesalers or jobbers who pay taxes to a distributor on motor fuel purchased for resale or distribution at wholesale to dealers or bulk users to cover losses by evaporation, temperature changes in the motor fuel and ordinary handling from the time the motor fuel is acquired tax paid by said wholesalers or jobbers until its sale or distribution and delivery to purchasers.

"III. One-half of one percent ( $\frac{1}{2}$  of 1%) to dealers, or bulk users to cover losses by evaporation, temperature changes in motor fuel or other handling losses from the time the motor fuel is delivered to the storage facilities of said dealers or bulk users until it is sold or delivered into the fuel supply tanks of motor vehicles. If title to motor fuel consigned to a dealer or bulk user remains in the consignor until it is delivered into the fuel supply tanks of motor vehicles, the consignor shall be entitled to such allowance or allocation.

"In the sale and distribution of motor fuel in this state, if any person performs more than one (1) of the functions or activities of distributor, wholesaler or jobber, dealer or bulk user, he shall be entitled to the apportionment or allowance for each such function or activity, but provided the aggregate allowance shall never exceed the total amount of two percent (2%) authorized herein.

"The intent and purpose of the above allowance or allocation to wholesalers or jobbers or dealers and the extension herein of such allowance or allocation to include bulk users, is to fully reimburse persons acting in such

capacities for losses sustained by them from evaporation, temperature changes and ordinary handling of motor fuel, and to facilitate the payment of tax refunds without volume adjustments of motor fuel purchased tax paid and thereafter used in other states by distributor-users; and it is expressly provided that the tax shall be computed and paid or collected and paid over to the state on the gross or volumetric gallons of taxable motor fuel sold or distributed to such wholesalers or jobbers, dealers or bulk users, as shown by the Comptroller's measurement certificate issued for the vehicle tank making such deliveries, or as shown by any other measuring device approved by the Comptroller.

"Nothing herein shall be construed as prohibiting volume correction of motor fuel under accepted practices when sold or distributed to or between licensed motor fuel distributors.

"Pursuant to rules and regulations to be prescribed by the Comptroller, the allocation or allowance hereinabove provided shall be distributed to the persons entitled thereto as follows:

(1) Every distributor who makes a first sale or distribution of motor fuel to a wholesaler or jobber, or other distributor, upon which said first sale or distribution the tax is required to be collected and paid over to this state shall, after setting out the tax separately on the manifest as required by this Chapter deduct one percent (1%) from the amount of such tax and the balance shall be the amount such distributor shall be entitled to collect from such purchaser; and (2) every wholesaler, jobber or distributor who makes a sale, resale, or distribution of motor fuel upon which the tax is required to be collected, to a dealer, consignor, or bulk user of said motor fuel shall, after setting out the tax separately on the manifest as required by this Chapter, deduct one-half of one percent ( $\frac{1}{2}$  of 1%) from the amount of such tax and the balance shall be the amount such wholesaler or jobber or distributor shall be entitled to collect from such purchaser."

Section 4. Section (1) of Article 9.07 of Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

**"Article 9.07. Bond**

"(1) Before any permit shall be issued and before engaging in the first sale, use, or distribution of motor fuel upon which a tax is required to be paid in Texas, every distributor shall execute and file with the Comptroller a good and sufficient surety bond, which shall run concurrently with the permit required of a distributor to be obtained. The said bond shall be signed by said distributor and a good and sufficient surety company or companies authorized to do business in this state, to be approved by the Comptroller, and except as hereinafter provided, in an amount not less than One Thousand Dollars (\$1,000) nor more than Fifty Thousand Dollars (\$50,000) payable to the State of Texas, and conditioned upon the full, complete, and faithful performance by the distributor of all the conditions and requirements imposed upon him by this Chapter, or the rules and regulations of the Comptroller promulgated hereunder, on a form to be prescribed by the Comptroller with the approval of the Attorney General, expressly providing for the performance of said obligations and the remittance and/or payment at Austin, Travis County, Texas, of all taxes collected and required to be collected for the use and benefit of the state.



and all other taxes due and accruing upon the use of motor fuel by said distributor, and all costs, penalties, and interest provided in this Chapter, provided, however, that in any event the total of all recoveries under such bond for any and all breaches of its conditions occurring at any time while it remains in force to support a permit, shall not for any calendar year exceed the penal sum named therein; provided further, that any such bond, continuous in form, may be, if sufficient and acceptable to the Comptroller, continued in effect by a renewal certificate, and, if so continued in effect, shall be sufficient to support the issuance of any new permit; and provided further, that the said renewal certificate, as, if and when issued shall have all the force and effect of an original bond for the calendar year for which renewal certificate is issued. The amount of any bond required of any distributor shall be fixed by the Comptroller, and subject to the limitations herein provided, additional bond may be required by the Comptroller at any time an existing bond becomes insufficient, unsatisfactory, or unacceptable. However, the distributor may demand a reduction of his bond after six (6) months from the effective date thereof to a sum to be not more than two (2) times the highest tax said distributor has collected and paid to the state for any month during the preceding six (6) months, or two times the highest tax that could accrue on motor fuel purchased tax free or otherwise held in inventory during any said month, whichever is higher.

"Provided, that when a distributor or other person produces, manufactures, refines, or acquires in any other manner any product of petroleum or natural gas for his own use and consumption as motor fuel and not to be sold or distributed, the Comptroller may accept a minimum bond in an amount of not less than Five Hundred Dollars (\$500); said bond to be in the form and substance and conditioned as hereinabove provided."

Section 5. Section (4) of Article 9.07 of Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(4) That in lieu of giving a bond, any distributor may deposit in the Suspense Account of the State Treasury money in the amount of the bond that may be required, which shall never be released until securities are substituted for the same, or a bond executed in lieu thereof, or until the Comptroller has made a complete and thorough investigation and authorized the same to be released; and, provided, in lieu of cash, or bond required by this Article, such distributor may deposit securities with the Comptroller that shall be acceptable to him. Said securities shall be placed in the State Treasury as other securities, and shall be of the same class as the Funds of the University of Texas may be legally invested in; or a distributor in lieu of furnishing a bond as otherwise required may with the written approval of the Comptroller supply an assignment, given either by himself or by others in his behalf, of a Certificate of Deposit, in a Texas bank or savings and loan association or institution, whose accounts necessarily are insured by an agency of the Federal Government, for an amount which is equal to or greater than the amount of bond required for which said deposit or account is being substituted.

"When a distributor has filed with the Comptroller a bond in an amount of not less than Fifty Thousand Dollars (\$50,000) together with a current financial statement which said bond and financial statement when reviewed by the Comptroller are, in his opinion, inadequate to cover certificates of authority to purchase motor fuel tax free in the quantities

desired, such distributor may, with the Comptroller's written permission and on forms approved by the Comptroller as security to the state for the additional gallons the distributor desires to purchase tax free, supply the Comptroller with a lien or encumbrance upon real property in favor of the Comptroller executed on a form recordable in the deed records of the county in which such property may be located, by the owner of such real property who may be either the distributor or other person acting in such distributors behalf.

"Nothing herein shall be construed as prohibiting the Comptroller from accepting a bond in excess of Fifty Thousand Dollars (\$50,000) from any distributor who desires to furnish bond in a larger amount for obtaining a certificate of authority for greater quantities in lieu of depositing securities, certificates of deposit, or lien or encumbrance on real property, or in addition to such deposits.

"Provided, however, that if, in the opinion of the Comptroller, the cash, securities, certificates of deposit or liens, so deposited shall become insufficient for the purpose for which they were deposited, he shall demand additional cash, securities, certificates of deposit or liens on real property, and upon the failure or refusal of the distributor to supply the additional deposits within ten (10) days after demand, the Comptroller shall cancel the distributor's permit as herein provided. When default of payment of taxes collected upon the sale or distribution of motor fuel and accruing upon the use of motor fuel by said distributor, is made by any distributor who has money and/or securities deposited with the State Treasurer in lieu of a bond as herein provided, suit shall be instituted by the state and after the state has established its debt for delinquent taxes by final judgment of court, money on deposit in the suspense account shall be withdrawn therefrom and shall be used to pay off and satisfy such judgment; and provided further, if securities, certificates of deposit or liens or encumbrances on real property are on deposit with the State Treasurer or Comptroller, such securities or certificates of deposit shall be sold by the Comptroller and said liens or encumbrances shall be foreclosed and the property sold and the proceeds of sale shall be used in paying off and satisfying said judgment and accrued court costs and interest. Provided, however, the defaulting distributor may acknowledge in writing the correctness of the state's claim for taxes, costs, and penalties, and may authorize the withdrawal of said money or securities to pay on said claim without having suit filed.

"When the Comptroller determines that all taxes, penalties, interest and court costs due by a distributor have been paid to this state, or that the need no longer exists for the securities, certificates of deposit, or liens or encumbrances on real property deposited with the Comptroller, he may issue appropriate release of such securities, deposits or liens.

"Provided further, that the cash, securities or certificates of deposit or any unpaid portion thereof, deposited by said distributor in lieu of surety bond, shall not be returned or refunded to any person except the distributor, unless the person claiming any right, title, and interest in and to said funds or securities, shall have declared said right, title, and interest in writing, executed jointly by said distributor and said claimant, under oath, and filed with the Comptroller at the time such deposit was made. Provided further, that suit may be filed against any surety or sureties on any bond furnished by a distributor, without first resorting to or exhausting the assets of said

distributor or without making said distributor, as principal obligor in said bond, a party to said suit."

Section 6. Savings Clause. All taxes, penalties and interest incurred and all liens created and bonds executed to secure their payment under any laws repealed or amended by this Act prior to its effective date, are hereby declared to be legal and valid obligations to this state; and any offense committed or any fines or penalties incurred under any laws repealed or amended by this Act prior to its effective date, shall not be affected by the repeal or amendment of any such laws but the punishment of such offenses and recovery of such fines, penalties and interest shall take place as if the laws repealed or amended had remained in force.

Section 7. Severability. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

Section 8. Repealer. All laws or parts of laws in conflict herewith are, so far as such confliction exists, hereby repealed and this Act shall prevail over any conflicting provisions of law.

Section 9. Emergency. The importance of effectuating the remedial purposes of this Act and the crowded condition of the calendar creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three (3) several days in each House be suspended; and this Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Calhoun offered the following amendment to Committee Amendment No. 1:

Amend HB 752, Second Printing, by adding a section at the end of the bill as follows:

Sec. 8. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Griffith Moore offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 752 by striking all above the enacting clause and substituting in lieu thereof the following:

"A bill to be entitled An Act amending the Motor Fuel Tax Law, Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, by

eliminating the practice of adjusting volumes of motor fuel sold to bulk users to a volume at sixty degrees (60°) Fahrenheit to cover losses, by increasing the percentage of taxable gallons allocated to distributors, wholesalers or jobbers and dealers to two percent (2%) and allocating the extra one-half of one percent ( $\frac{1}{2}$  of 1%) to bulk users to cover evaporation and handling losses; amending Article 9.01 to redefine dealer and to define wholesaler or jobber and bulk user; amending Article 9.07 by reducing the bond required from three times the amount of taxes accruing during any month to twice the amount of taxes accruing, and by authorizing the distributor to deposit certificates of deposits in banks or savings and loan associations, or in certain cases to furnish first lien on real property to supplement bonds or securities furnished, containing savings and severability clauses, repealing laws in conflict with this Act and declaring an emergency."

The committee amendment was adopted without objection.

HB 752, as amended, was passed to engrossment.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 16, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 662, By Watson: Relating to the assessment of property and casualty insurers for the protection of the policyholders and claimants of impaired property and casualty insurers; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

(Mr. Traeger in the Chair)

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Representative Ogg entered the House and was announced present.

#### HB 667 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 667, Relating to compensation of members and clerk of the Victoria County Juvenile Board.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 667, First Printing, by:

(1) adding a period following the word "Court" on line 27; and

(2) striking on lines 27-28 the phrase "and shall be the same as those paid other county officials and clerks having comparable responsibilities and duties."

The committee amendment was adopted without objection.

HB 667, as amended, was passed to engrossment.

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Representative Moreno entered the House and was announced present.

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#### HB 676 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 676, Including certain land in Sabine and San Augustine Counties under the Uniform Wildlife Regulatory Act and setting other regulations.

The bill was read second time.

Mr. Ogg offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 676 as follows:

Amend Sec. 2(1) by striking out all words after the word "deer" and substituting therefor the following: "of either sex from October 1 to and including October 31 of each year."

Amend Sec. 2(2) by striking out all words and substituting therefor: "It shall be lawful to take, hunt or kill javelina at any time using bow and arrow of legal specifications; provided, however, that it shall be unlawful to use crossbow at any time, and, further be it provided that it shall be lawful to use firearms for the taking of javelina during and concurrent with the deer season as set by the Commission."

Amend Sec. 2(4) by striking out all words and substituting the following:

"It shall be lawful to take, hunt or kill deer of either sex during the lawful open season as set by the Commission."

The committee amendment was adopted without objection.

HB 676, as amended, was passed to engrossment.

#### HB 738 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 738, Prohibiting shooting of white-winged dove without requisite permit.

The bill was read second time.

Mr. Lovell offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 738, First Printing, by:

(1) amending all of subsection (b), Section 2, to read as follows:

“(b) The stamp shall be issued in the form prescribed by the Parks and Wildlife Department and must be signed on its face by the person using the stamp.”

(2) deleting all of Subsection (c) of Section 2

(3) striking the period at the end of Subsection (a), Section 4, substituting a comma, and adding the following:

“except that employees of the Parks and Wildlife Department may not retain the collection fee.”

(4) amending Subsection (c), Section 4 to read as follows:

“(c) The commission shall deposit the proceeds from the sales of stamps in the state treasury in Special Game and Fish Fund No. 9. One-half of these proceeds may be expended only for research and management for the protection of white-winged dove and the other one-half of these proceeds may only be expended for the acquisition of white-winged dove habitat in the state.”

(5) inserting between the words “any” and “peace” on line 42 “game management officer or”

The committee amendment was adopted without objection.

HB 738, as amended, was passed to engrossment.

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Representative Tom Moore entered the House and was announced present.

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#### HB 936 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 936, Regulating placement of memorial or identifying markers on Texas highways.

The bill was read second time.

Mr. Wolff offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 8 of HB 936 to read as follows:

Sec. 8. This Act shall not supersede nor be in conflict with any existing statutes regulating the signing and marking of roads or streets nor shall it void or supersede the authority of local Governmental Agencies to regulate and sign roads and streets within their jurisdiction.

The committee amendment was adopted without objection.

HB 936, as amended, was passed to engrossment.

#### HB 451 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 451, Relating to counties with a population between 8,000 and 10,000 in which the commissioners court may raise certain salaries up to \$12,500.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 451 by striking the sentence, "However, no salary shall be set at a figure lower than that actually paid on the effective date of this section," which appears in the quoted Section 1C in Section 1 of the bill.

The committee amendment was adopted without objection.

Mr. Joe Hanna offered the following amendment to the bill:

Amend HB 451, Second Printing, by deleting the figure 8,000 on line 18, page 1, and substituting in lieu thereof the figure "8,630."

The amendment was adopted without objection.

Mr. Rosson offered the following amendment to the bill:

Amend HB 451 by striking on line 20 the figure "10,000" and substituting therefor the figure "9,075".

The amendment was adopted without objection.

HB 451, as amended, was passed to engrossment.

(Mr. Shannon in the Chair)

#### SB 97 ON SECOND READING

(Mr. Weiting—House Sponsor)

The Chair laid before the House, in lieu of HB 232, on its second reading and passage to third reading,

SB 97, A bill to be entitled An Act amending Section 4.23 of the Texas Education Code, Chapter 889, Acts of the Regular Session of the 61st Legislature; and declaring an emergency.

The bill was read second time and was passed to third reading.

HB 232—LAID ON TABLE SUBJECT TO CALL

Mr. Wieting moved that HB 232 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 729 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 729, Making permanent the prohibition against taking less than 14 inch redfish.

The bill was read second time and was passed to engrossment.

HB 637 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 637, Relating to exempting from franchise tax certain corporations providing homes for certain elderly people.

The bill was read second time and was passed to engrossment.

HB 214 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 214, Raising student union fee at North Texas State University.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 214.

HB 306 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 306, Validating special elections in certain cities and towns.

The bill was read second time.

Mr. Grant Jones offered the following committee amendment to the bill:



## Committee Amendment No. 1

Amend HB 306 by placing a comma after the word "where" on page 1, line 23 of the Official First House Printing and by inserting the following language immediately after the comma: "prior to January 1, 1971,".

The committee amendment was adopted without objection.

HB 306, as amended, was passed to engrossment.

## HB 508 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 508, Relating to salaries of certain county officers in counties of 18,600-18,900 population.

The bill was read second time.

Mr. Newton offered the following amendment to the bill:

Amend HB 508 by striking all below the enacting clause and substituting the following:

Section 1. Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), is amended by adding a Section 2E to read as follows:

"Section 2E. In any county having a population of not less than 18,680 nor more than 18,800 according to the last preceding federal census, the commissioners court may fix the salaries of officials named in Sections 6 and 7a of this Act at not more than \$12,000 a year. The provisions of Section 18 of this Act do not apply to salaries set under this section."

Sec. 2. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

HB 508, as amended, was passed to engrossment.

## HB 445 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 445, Allowing counties of 8,600-8,800 population to hire assistant to county superintendent.

The bill was read second time.

Mr. Grant offered the following amendment to the bill:

Amend HB 445, first printing, by adding immediately before the word "according" on line 12 the words "or not less than 40,000 nor more than 45,000, and in counties of not less than 14,350 nor more than 14,400 population,"

Signed: Grant and Kubiak

The amendment was adopted without objection.

HB 445, as amended, was passed to engrossment.

#### HB 691 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 691, Relating to compensation of certain county and district officials.

The bill was read second time and was passed to engrossment.

#### SB 676 ON SECOND READING (Mr. Sanchez—House Sponsor)

The Chair laid before the House, in lieu of HB 1248, on its second reading and passage to third reading,

SB 676, Relating to the places for the holding of meetings of the Good Neighbor Commission and to its financing and functions.

The bill was read second time and was passed to third reading.

#### HB 1248—LAID ON TABLE SUBJECT TO CALL

Mr. Sanchez moved that HB 1248 be laid on the table subject to call.

There was no objection offered and it was so ordered.

#### HB 692 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 692, Prescribing maximum salary to be paid official shorthand reporters for 124th and 188th Judicial Districts.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 692 by striking the phrase "less than \$9,600 nor" in the first sentence of Section 1 of the bill.

The committee amendment was adopted without objection.

HB 692, as amended, was passed to engrossment.

#### HB 438 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 438, Relating to salary of county school superintendents' assistant in counties of 46,000-47,000 population.

The bill was read second time and was passed to engrossment.

#### HB 468 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 468, Including police officers of state-supported institutions of higher education and police officers employed by the State Board of Control within definition of peace officers.

The bill was read second time.

Mr. Williamson offered the following committee amendments to the bill:

#### Committee Amendment No. 1

Amend HB 468 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Amend Section 3 of Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes), to read as follows:

'Section 3. The governing boards of the state institutions of higher education of this state are hereby authorized to employ campus security personnel for the purpose of carrying out the provisions of this Act and may commission any or all such security personnel as police officers if such persons to be so commissioned have been certified as qualified to be peace officers by the Commission on Law Enforcement Officers Standards and Education. Any officer commissioned hereunder is hereby vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the respective state institutions of higher education of this state or otherwise in the performance of their duties. It is further provided that any officers assigned to duty and commissioned shall take and file the oath required of peace officers, and shall execute and file a good and sufficient bond in the sum of \$1,000 payable to the Governor of this state and his successors in office with two or more good and sufficient sureties, conditioned that he will fairly, impartially, and faithfully perform all of the duties as may be required of him by law. Such bond may be sued upon from time to time in the name of any person injured until the whole amount thereof is recovered.'

"Sec. 2. Amend Article 2.12, Texas Code of Criminal Procedure, 1965, as amended by Section 5, Chapter 659, Acts of the 60th Legislature, Regular Session, 1967, to read as follows:

'Article 2.12 Who Are Peace Officers

'The following are peace officers:

'(1) sheriffs and their deputies;

'(2) constables and deputy constables;

'(3) marshals or police officers of an incorporated city, town, or village;

'(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

'(5) police officers employed by the State Board of Control, who have been commissioned pursuant to Chapter 102, Acts of the 58th Legislature, Regular Session, 1963; as amended (Article 678e, Vernon's Texas Civil Statutes);

'(6) police officers of state-supported institutions of higher education, including public junior colleges, who have been commissioned pursuant to Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes);

'(7) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

'(8) law enforcement agents of the Alcoholic Beverages Commission;

'(9) each member of an arson investigating unit of a city, county, or the state; and

'(10) any private person specially appointed to execute criminal process.'

"Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted."

Committee Amendment No. 2

Amend HB 468 by striking all above the enacting clause and substituting in lieu thereof the following:

"A bill to be entitled An Act authorizing the governing boards of the state institutions of higher education to commission as peace officers campus security personnel, if such persons to be commissioned have been certified as qualified peace officers by the Commission on Law Enforcement Officers Standards and Education; including within the definition of police officers in the Code of Criminal Procedure police officers of state-supported institutions of higher education, including public junior colleges, who have been commissioned pursuant to statute; amending Section 3 of Chapter 80, Acts of the 60th Legislature, Regular Session, 1967; amending Article 2.12,

Texas Code of Criminal Procedure, 1965, as amended; and declaring an emergency."

The committee amendments were severally adopted without objection.

HB 468, as amended, was passed to engrossment.

SB 50 ON SECOND READING  
(Mr. Newton—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 50, Relating to salary of District Attorney of the 81st Judicial District.

The bill was read second time and was passed to third reading.

SB 49 ON SECOND READING  
(Mr. Newton—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 49, Fixing minimum and maximum salary for official shorthand reporter for 81st Judicial District.

The bill was read second time.

Mr. Adams offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 49 by striking the phrase "less than \$8,600 per annum, nor," in the quoted Section 1 appearing in Section 1 of the bill.

Committee Amendment No. 2

Amend SB 49 by striking the words "minimum and" which appear in the caption of the bill.

The committee amendments were severally adopted without objection.

SB 49, as amended, was passed to third reading.

SB 387 ON SECOND READING  
(Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 387, Relating to research and experimentation for determining the effects of marihuana use.

The bill was read second time and was passed to third reading.

## VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to third reading of SB 387.

## LEAVE OF ABSENCE GRANTED

On motion of Mr. Braecklein, Mr. Griffith Moore was granted leave of absence for the remainder of today on account of important business.

SB 215 ON SECOND READING  
(Mr. Carl Parker—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 215, Relating to salaries of certain county officials in counties of 195,001 to 600,000 population.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

## Committee Amendment No. 1

Amend SB 215 by striking the phrase "provided, however, that no salary shall be set at a figure lower than that actually paid on the effective date of this Act," which appears in the quoted Section 5 in Section 1 of the bill, and placing a period at the conclusion of the remaining portion of that Section.

The committee amendment was adopted without objection.

Mr. Short offered the following committee amendment to the bill:

## Committee Amendment No. 2

Amend SB 215, First House Printing, by deleting the period on line 42 and inserting the following:

"and no county or district official named in this Act may receive more than a total of Twenty-two Thousand, Five Hundred Dollars (\$22,500) from county funds as salary or combination of salaries for any one fiscal year."

The committee amendment was adopted without objection.

SB 215, as amended, was passed to third reading.

SB 909 ON SECOND READING  
(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 909, Providing for the selection of Death Benefit Plan by qualified members; amending Chap. 99, Acts 51st Leg., 1949, as amended (Article 6228b, V.T.C.S.).

The bill was read second time and was passed to third reading.

#### ADJOURNMENT

Mr. Doran moved that the House adjourn until 11:30 a.m. today.

The motion prevailed without objection.

The House accordingly, at 11:21 a.m., adjourned until 11:30 a.m. today.

#### FIFTY-FIFTH DAY—FRIDAY, APRIL 16, 1971

The House met at 11:30 a.m. and was called to order by the Honorable Tommy Shannon.

The roll of the House was called and the following Members were present:

Mr. Speaker	Dramberger	Kilpatrick	Sanchez
Adams	Earthman	Kost	Santiesteban
Agnich	Farenthold	Kubiak	Schulle
Allen, Joe	Finck	Lee	Semos
Allen, John	Finnell	Lemmon	Shannon
Allred	Finney	Lewis	Sherman
Angly	Floyd	Lombardino	Short
Atwell	Foreman	Longoria	Silber
Atwood	Gammage	Lovell	Simmons
Bass, B.	Garcia	McAlister	Slack
Bass, T.	Golman	McKissack	Slider
Beckham	Grant	Mengden	Smith
Bigham	Hale	Moncrief	Solomon
Blythe	Hanna, Joe	Moore, A.	Spurlock
Bowers	Hannah, John	Moore, T.	Stewart
Boyle	Harris	Moreno	Stroud
Braecklein	Hawn	Nabers	Swanson
Braun	Haynes	Nelms	Tarbox
Burgess	Head	Newton	Traeger
Bynum	Heatly	Niland	Truan
Calhoun	Hendricks	Nugent, J.	Tupper
Carrillo	Hilliard	Ogg	Uher
Cates	Holmes, Z.	Orr	Vale
Cavness	Howard	Parker, C.	Von Dohlen
Christian	Hubenak	Parker, W.	Ward
Cobb	Hull	Pickens	Wieting
Cole	Ingram	Poerner	Williams
Craddick	Johnson	Poff	Williamson
Daniel	Jones, D.	Price	Wolff
Davis, D.	Jones, E.	Reed	Wyatt
Davis, H.	Jones, G.	Rodriguez	
Doran	Jungmichel	Rosson	
Doyle	Kaster	Salem	
Absent			
Clark	Denton	Ligarde	Patterson
Coats	Harding		